

Senator HELMS has been an active and consistent presence dedicated to preserving American freedom and liberty.

Senator HELMS has had a tremendous influence on policy matters over the last 30 years. He has been an outspoken critic of ceding American power to international organizations and an ever-vigilant watch dog of any treaty or agreement which may not be in the best interests of the United States. He has been a reliable conservative voice on many social issues and a consistent critic of government bureaucracy. Of his many achievements, Senator HELMS has been the most active through his position on the Foreign Relations Committee, which he took over as Chairman in 1994. He sponsored the Helms-Burton Act, which codified the U.S. trade embargo against Cuba and allowed lawsuits against foreign companies who benefitted from American property expropriated by Castro's Communist dictatorship. Senator HELMS also achieved another remarkable feat, when in 1998, he worked across the aisle to achieve passage of historic legislation reorganizing the State Department. Senator HELMS has also maintained flexibility in his thinking, working closely with other members of the Foreign Relations Committee to examine and solidify the relationship of the United States and the United Nations, examine trade relations with China and examine the policies surrounding U.S. foreign aid.

Senator HELMS has had a significant impact in his 30 years here in Washington. His absence from important policy decisions will truly be missed. Anyone who has dealt with Senator HELMS knows that he is a man whose conviction to his beliefs will not be easily swayed. They will also tell you that there are few people who are more congenial and charming than Senator HELMS. I wish he and his wife, Dorothy, and the rest of his family all the best. It is with great appreciation and admiration that I offer these words to commemorate his retirement.

ACHIEVEMENTS OF THE SENATE JUDICIARY COMMITTEE

Mr. LEAHY. Mr. President, today we held the 26th hearing for judicial nominees since the change in majority in the summer of 2001. The Judiciary Committee has now considered 103 nominees in less than 15 months. It took the Republican-controlled Senate 33 months—almost 3 full years—to hold hearings for 100 of President Clinton's judicial nominees, although more than 100 were pending well before that. We have reached that mark in less than half that time.

Since the summer of 2001, we have held more hearings for more judicial nominees—103 candidates—than in any comparable 15-month period of the 6½ years before the Senate changeover last year.

We have also held more hearings for circuit court nominees—20—than in

any comparable period of that previous 6½ years, when our predecessors allowed an average of only seven circuit court nominees to be confirmed per year. In the past three weeks we held two back-to-back hearings for controversial circuit court nominees back to back. In contrast, at 11 of the judicial nomination hearings held during the prior period of Republican control, no circuit court nominees were on the agenda.

During their 6½ years of control of the Senate, there were also 30 months in which Republicans held no hearings at all. Democrats have held at least one hearing per month and have held almost two per month on average. We have been working nonstop to address the vacancy crisis we inherited. In the 6½ years of Republican control, before the reorganization of the committee last summer, vacancies on the Courts of Appeals more than doubled from 16 to 33 and overall vacancies rose from 65 to 110.

Added to that were the 47 new vacancies that have arisen since last summer. Thus, rather than 157 vacancies, with the 80 circuit and district court nominees we have confirmed, there are now 77 vacancies.

The President has yet to nominate anyone for 30 of these vacancies. With today's hearing for 7 judicial nominees, we will have held hearings for 21 of the 47 nominees currently pending.

Many of the 26 judicial nominees who have not yet had a hearing were nominated only recently toward the end of this congressional session. Due to the White House's refusal to allow ABA peer reviews to begin prior to nomination and because the ABA peer reviews have been taking between 50 and 60 days from the time of nomination, the White House knows that many of these late nominees will not have their files completed in time for hearings.

Thus, of the 26 who have not yet had a hearing, only seven have completed files—especially, ABA reviews and the consent of both of their home-State Senators. That is, the majority of the nominees who have not yet had a hearing—19—do not have completed files. Of the seven who are eligible for a hearing, but who have not yet had a hearing, six have relatively controversial records which require more review. The only remaining district court nominee did not have a complete file by the time the last hearing was noticed.

Accordingly, with today's hearing, since the changeover last year we will have held hearings for 103 of the 110 eligible judicial nominees with complete files. Thus, 94 percent of this President's judicial nominees who had completed files have been given hearings. This remarkable achievement is irrefutable evidence of the good-faith efforts we have made to restore order to the confirmation process—good faith efforts that we continue to hope will be matched by the White House.

I am certain that President Clinton would have been overcome with grati-

tude if the Republicans ever gave 94 percent of his judicial nominees hearings in the years Republicans controlled the confirmation process during his administration. They never did. Instead, in 1995 for example, Republicans allowed only 58 of the 86 pending judicial nominations of President Clinton to be confirmed, nowhere near 100 percent or even 90 percent.

In 1996, Republicans allowed only 17 of the 49 pending judicial nominees, or 35 percent, to be confirmed, and none were circuit court nominees. In 1997, Republicans allowed only 36 of the 79 Clinton nominees to be confirmed, or 46 percent. In 1998, Republicans allowed 66 of 92 pending judicial nominees to be confirmed. In 1999 they allowed only 33 of the 71 judicial nominees to be confirmed, about 46 percent, and in 2000 they allowed only 39 of the 81 pending judicial nominees to be confirmed, or 48 percent. Thus, during their 6 years of Senate control during the Clinton administration, Republicans allowed only about half of the judicial nominations to be confirmed on average per year. Their percentages are even worse for circuit court nominees. These are detailed in my floor statement of October 4.

To this point, the Senate Judiciary Committee has voted on more judicial nominees—83—and on more circuit court nominees—17—than in any comparable 15-month period of prior Republican control. The Democratic-led Senate has already confirmed 80 of the judicial nominations of President George W. Bush. In so doing, we have confirmed more judicial nominees in less than 15 months that were confirmed in the last 30 months that a Republican majority controlled the Senate. We have done more in half the time.

The expeditious pace should not be construed as a rush to process the appointment of judges to lifetime positions. I ask unanimous consent to print in the RECORD several recently published editorials from the Rutland Herald, the Barre Montpelier Times Argus and the Los Angeles Times. Each of these articles emphasize the important obligation of the Senate to thoroughly review the records of the President's judicial nominees. They serve as an important reminder that our outstanding record of treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Oct. 3, 2002]

CAUTION ON COURT NOMINEES

Since George Washington took the oath of office, U.S. presidents have nominated 140 men and women to the Supreme Court and many more to the federal courts of appeal and trial courts. In two centuries, the Senate has rejected 11 Supreme Court nominees and an uncertain number of prospective lower court judges. Seven others withdrew their high court nominations, some to avoid likely defeat.

The Senate has blocked ideologues, including die-hard Federalists during the 18th and early 19th centuries, who it concluded would not put aside their political beliefs on the bench. It killed the nominations of men viewed as skills for special interests and rejected others for being ethically compromised or simply not smart enough or wise enough to sit on federal courts for life.

That history matters as the Senate Judiciary Committee considers Dennis Shedd, Michael McConnell and Miguel Estrada for seats on the U.S. Court of Appeals. Republicans insist that the Senate panel, now with a one-vote Democratic edge, has dragged its feet in confirming President Bush's picks and that the tough questions senators have asked these three men and others about their judicial philosophy and temperament are a partisan effort to destroy the reputations of qualified men and women. Neither charge holds water.

In the 14 months since the Democrats took narrow control of the Senate, the Judiciary Committee has confirmed 78 judges, 14 of them to appellate courts. That compares with an average of 39 confirmations a year during the six-plus years of Republican control.

The committee has readily approved men and women more centrist in their views and more likely to be fair-minded on the bench. But committee members are right to hesitate over Shedd, McConnell and Estrada.

Shedd has published a scant 60 opinions in 12 years as a judge. He has backed employers against claims by workers almost without exception. In criminal cases, he has generously interpreted the law to favor police. He held quixotically that the federal family leave law does not apply to state employees, a ruling that, by extension, could invalidate other federal civil rights protections for state workers.

McConnell has repeatedly asserted that Supreme Court precedents should not bind the current court. He has argued before the Supreme Court that religious schools should receive certain types of government aid on the same basis as public schools.

Estrada, a corporate lawyer who helped make Bush's case in the Florida recount battle, has virtually no public writings and no judicial experience. The committee needs to see the memos he wrote at the U.S. solicitor general's office, which Atty. Gen. John Ashcroft has refused to release.

The Senate's obligation in confirming judges is to the people, not the president. All three men now before the Judiciary Committee should give members pause.

[From the Rutland Herald, Oct. 7, 2002]

MESSE OFF BASE CRITIZING LEAHY (By Leslie Black)

Former Attorney General Ed Meese and his so-called "truth squad" have a nerve coming to Vermont to berate Senator Leahy and insult the intelligence of Vermont citizens.

Senator Leahy, in his important role as chair of the Senate Judiciary Committee, is holding hearings on judicial nominations responsibly and admirably. He has demonstrated a commitment to choosing judges for the federal bench who are willing to uphold the U.S. Constitution.

Meese would prefer to see President Bush's anti-women's rights, anti-civil rights nominees confirmed, and he came to Vermont to spread poisonous misinformation about Senator Leahy to the senator's own constituents.

Vermont citizens don't need any of Meese's versions of the "truth." We know who represents us in the United States Senate, and what he stands for. We wholeheartedly sup-

port Senator Leahy's considered choice of federal judges and his respect for law. We have confidence in his ability to do his job honorably.

[From the Barre Montpelier Times Argus,
Apr. 23, 2002]

DEFENDING LEAHY (By Edwin Granai)

Sen. Leahy has been accused by some Vermont Republicans of partisanship for not confirming Charles Pickering's nomination to the 5th Circuit Court of Appeals.

On the contrary, the Republican members of Leahy's committee voted the party line in support of a judge whose judicial record was often devoid of impartial objective considerations relating to existing law, and most importantly, to constitutional provisions.

Aside from the Pickering nomination, the fact is that under Leahy's chairmanship the Senate Judiciary Committee has approved 42 consecutive Bush administration appointees to the federal bench, including, though not Pickering, the 5th Circuit Court of Appeals.

Forty-two approvals out of 43 Bush nominations can hardly be considered partisan. Orrin Hatch, Leahy's Republican predecessor as chairman, sat on 53 of Clinton nominees. Didn't even give them a hearing. The partisanship in the Senate is clearly with the party of Leahy's accusers.

Patrick Leahy may be imperfect along with the rest of us. But as chairman of the Senate Judiciary Committee he has restored fairness and objectivity to the advise-and-consent role of the Senate.

[From The Barre Montpelier Times Argus,
May 15, 2002]

POLITICAL TRIAGE

Edwin Meese, former U.S. attorney general, came to Montpelier on Monday to apply a bit of political pressure aimed at forcing Sen. Patrick Leahy to take speedier action in confirming judicial nominations.

Leahy, chairman of the Senate Judiciary Committee, has responsibility for holding hearings on President Bush's nominees to the federal bench. Bush himself has criticized the delays to which he says Leahy has subjected his nominees, saying vacancies on the bench threaten the administration of justice.

That was also the pitch made by Meese on Monday. His was another voice in the partisan wrangling that surrounds the issue. But Meese needn't have bothered.

Vermont Republicans no doubt took comfort in the boost their cause received from Meese's appearance. But on the whole, Vermonters are probably pleased by the idea that Leahy is giving Bush's more extreme nominees a closer look.

Leahy has played a shrewd game on the issue. Contrary to the accusations of his Republican opponents, he has actually been more efficient than his Republican predecessors in taking action on judicial nominees.

Figures from Leahy's office show that the number of vacancies on the bench grew from 65 to 110 from 1995 to 2001 when Republicans controlled the committee. That was a time when Sen. Orrin Hatch, the Republican chairman, failed to give a hearing to numerous nominees sent up by President Clinton.

By contrast Leahy's committee has already confirmed 52 Bush nominees, which exceeds the number of nominees confirmed by the Republican Senate during the final four years of Clinton's presidency. And the number of vacancies has fallen to 84.

So what are the Republicans complaining about?

They are complaining because, even though Leahy is moving quickly to confirm

nominees, he is not moving so quickly on all of them. Those whom the Democrats view as extreme conservatives are getting a long, careful look from the committee, and their hearings have been delayed.

The committee has already rejected the nomination of Charles Pickering for the Fifth Circuit Court of Appeals. But a nomination fight like that over Pickering takes a political toll, and Leahy knows he cannot subject his committee to that kind of grueling battle on all questionable candidates.

When the Republicans controlled the Senate, they understood the strategic value of delay. They defeated 24 Clinton nominees to the appellate courts, but they did not defeat them by an outright vote. They refused to allow a vote.

Leahy has urged Bush to nominate moderate judges around whom his committee can reach a consensus. But among Bush's nominees there is a cadre of extreme conservatives with questionable records on women's rights, workers' rights, and consumers' rights.

So Leahy is performing a sort of political triage. There are so many judges to confirm that, in order to move quickly, he has decided to act on those who can be confirmed quickly. That leaves the more controversial nominees cooling their heels.

When Sen. James Jeffords abandoned the Republican Party, he made it possible for Leahy to assume the chairmanship of the Judiciary Committee. Jeffords was concerned about the extremist tendencies of the Bush administration, and now Leahy has been able to exercise power to moderate those extremist tendencies.

Meese should know that most Vermonters were pleased that Jeffords gave Leahy that chance and that Leahy is making the most of the opportunity.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 1, 2000 in Traverse City, MI. A 23-year-old bartender at a gay bar was attacked as he was removing the trash out of the back door of the building around 2 a.m. An attacker grabbed him by the shoulders and began shouting "faggot" and other obscenities at him. Moments later, two other men jumped into the ally, one brandishing a baseball bat. The bartender was able to run away after the initial attack, but was assaulted again after trying to return to the club several minutes later.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.